

**STATE OF NORTH DAKOTA**  
**BEFORE THE INSURANCE COMMISSIONER**

<b>In the Matter of</b>	)	
	)	
<b>Robyn Siemens,</b>	)	<b>CONSENT ORDER</b>
<b>NPN 8016771,</b>	)	
	)	<b>CASE NO. AG-15-556</b>
<b>Respondent.</b>	)	

**TO: Robyn Siemens, and his attorney, Paul Sanderson, Evenson Sanderson PC, 103 South Third Street, Suite 5, Bismarck, ND 58501**

Insurance Commissioner Adam Hamm (“Commissioner”) has determined as follows:

1. Robyn Siemens, NPN 8016771 (“Respondent”), submitted an application for a resident individual insurance producer license to the North Dakota Insurance Department (“Department”), on or about April 29, 2015.
2. N.D.C.C. § 26.1-26-14 provides that the Commissioner may conduct an investigation concerning any applicant’s qualifications, business affiliations, and any other matter which the Commissioner believes necessary or advisable for the protection of the public.
3. An investigation conducted by Department personnel revealed that:
  - a. Between June 13, 2011, and June 28, 2011, Respondent incorrectly collected and remitted insufficient insurance premium causing an insured to have inadequate flood coverage. On or

about December 13, 2011, and in response to an inquiry letter by Department Complaint Investigator Wolf, Respondent submitted a letter of explanation failing to acknowledge his mistake and failing to include the requested supporting documentation.

- b. On or about July 1, 2015, Respondent informed Department Investigator Nelson of Respondent's outstanding judgment of \$6,000. Between July 1, 2015, and July 22, 2015, Respondent knowingly and incorrectly informed Department Investigator Nelson on multiple occasions that Respondent's \$6,000 judgment had been paid off.
- c. By email written on or about July 6, 2015, Department Investigator Nelson requested the contact information of Respondent's former employer. Respondent failed to reply to a written request by the Department within 20 days.

4. Respondent's conduct is in violation of N.D.C.C. §§ 26.1-26-15 and 26.1-26-42(2), (6), (12) and (14).

5. N.D.C.C. § 26.1-26-15 states:

An applicant for any license under this chapter must be deemed by the Commissioner to be competent, trustworthy, financially responsible, and of good personal and business reputation.

6. N.D.C.C. § 26.1-26-42 states, in relevant part:

The commissioner may suspend, revoke, place on probation, or refuse to continue or refuse to issue any license issued under this chapter if, after notice to the licensee and hearing, the commissioner finds as to the licensee any of the following conditions:

...

2. An acquisition or attempt to acquire a license through misrepresentation or fraud.

...

6. In the conduct of affairs under the license, the licensee has used fraudulent, coercive or dishonest practices, or has shown oneself to be incompetent, untrustworthy, or financially irresponsible.

...

12. A violation of or noncompliance with any insurance laws of this state or a violation of or noncompliance with any lawful rules or orders of the commissioner or of a commissioner of another state.

...

14. The applicant or licensee has refused to respond within twenty days to a written request by the commissioner for information regarding any potential violation of this section.

7. Respondent acknowledges that at the time of signing the Consent to Entry of Order, he was aware of or had been advised of his rights to a hearing in this matter, to consult an attorney, to present argument to the Commissioner, to appeal from any adverse determination after a hearing, and Respondent expressly waives those rights.

8. Respondent has agreed to an informal disposition of this matter, without a hearing, as provided under N.D.C.C. § 28-32-22.

9. There are no covenants, promises, undertakings, or understanding other than as specifically set forth in this Order.

10. Respondent consents to the Commissioner's continuing jurisdiction over

him regarding this matter and any issues which may subsequently arise related to Respondent's activities.

11. For purposes of resolving this matter, without further administrative proceedings, Respondent and the Commissioner have agreed to enter into the following order.

NOW, THEREFORE, IT IS HEREBY ORDERED THAT:

1. Respondent agrees to issuance by the Commissioner of a conditional license for a period of 60 months and after expiration of 60 months the license will remain conditional for 61 days, to allow the Department to determine whether Respondent completed probation successfully or to allow the Department to enforce any violation of this agreement that occurred during the 60-month probationary period. After the aforementioned time period has expired, the license will become unrestricted if no enforcement action has been initiated.

2. Respondent agrees, during the 60-month conditional license period and 61-day review period allowed under paragraph 1, the Department may, revoke, suspend, or take such further action as may be deemed necessary against Respondent's insurance license without Notice of Hearing, the issuance of a Complaint, or opportunity to appeal, if the Department, in its sole discretion, receives credible information and the Commissioner determines the Respondent has violated any of the terms of this Order.

3. Respondent agrees, during the 60-month conditional license period and the 61-day review period allowed under paragraph 1, that the Department may revoke, suspend, or take such further action as may be deemed necessary against

Respondent's insurance license without Notice of Hearing, the issuance of a Complaint, or the opportunity to appeal, if the Department receives a complaint from any source against the Respondent and after investigation of the merits of the complaint, notifies the Respondent that he has, in the Commissioner's opinion, committed a violation of North Dakota law, except for minor traffic offenses.

4. Respondent further agrees that any action taken by the Department under the terms of this Order is not appealable and by signing this agreement, hereby waives any right Respondent may have to appeal any action taken by the Department under the terms of this Order.

5. At the time Respondent returns this signed Consent Order to the Department, Respondent agrees to submit a signed letter of apology for misrepresentations Respondent made to Investigator Nelson.

6. At the time Respondent returns this signed Consent Order to the Department, Respondent agrees to submit a signed letter of apology for misrepresentations Respondent made to Investigator Wolf.

7. Within 10 days of the effective date of this Order, Respondent agrees to submit proof to the Department of payment in full of his outstanding judgment.

8. Within 90 days of the effective date of this Order, Respondent agrees to pay a fine in the amount of \$5,000 payable by money order, cashier's check, or credit card to the North Dakota Insurance Department.

9. Within 24 months of the effective date of this Order, Respondent agrees to complete 50 hours of in-classroom insurance-related continuing education classes, of which 10 hours must be in direct relation to ethics. These 50 hours do not include, but

are completely in addition to, the statutory 2 years for completion of 24 hours of insurance-related continuing education, of which 3 hours must be ethics education, required by North Dakota law.

10. The use of this Consent Order for competitive purposes by an insurance agent or agency holding a license in the State of North Dakota, or by any company holding a Certificate of Authority, or by anyone on their behalf, may be deemed unfair competition and be grounds for suspension or revocation of said license or authority.

11. The Department will not take further action against Respondent's insurance license on the sole basis of other regulatory or civil action alone that may arise out of the same specific facts as outlined in the current Consent Order. Respondent understands and agrees that nothing in this Consent Order prevents the Department from taking action on new information that comes to the attention of the Department in the future.

DATED at Bismarck, North Dakota, this 4<sup>th</sup> day of November, 2015.



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Adam Hamm  
Insurance Commissioner  
State of North Dakota

### CONSENT TO ENTRY OF ORDER

The undersigned, **Robyn Siemens**, states that he has read the foregoing Consent Order, that he knows and fully understands its contents and effect; that he has been advised of his right to a hearing in this matter, his right to be represented by legal counsel, his right to present evidence and arguments to the Commissioner, and his right

to appeal from an adverse determination after hearing; and that by the signing of this Consent to Entry of Order he waives those rights in their entirety, and consents to entry of this Order by the Commissioner. It is further expressly understood that this Order constitutes the entire settlement agreement between the parties, there being no other promises or agreements, either expressed or implied.

DATED this 19 day of Oct, 2015.



Robyn Siemens

Subscribed and sworn to before me this 19<sup>th</sup> day of October, 2015.



Notary Public

State of \_\_\_\_\_

County of \_\_\_\_\_

My commission expires:

